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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/485,492	06/07/1995	BENJAMIN JOFFE	IDBJ-19	5676

7590

12/12/2002

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EXAMINER

FOOTLAND, LENARD A

ART UNIT

PAPER NUMBER

3682

DATE MAILED: 12/12/2002

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/976,324	10/12/2001	Hiroyoshi Yamaguchi	AB-1167 US	9209

32605 7590 01/10/2003

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EXAMINER

BURNHAM, SARAH C

ART UNIT	PAPER NUMBER
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3636

DATE MAILED: 01/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/976,324

Applicant(s)

YAMAGUCHI ET AL.

Examiner

Sarah C. Burnham

Art Unit

3636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) 3-5 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 October 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Claims 3-5 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in Paper No. 8.
2. Applicant's election with traverse of claims 1 and 2 in Paper No. 8 is acknowledged. The applicant has provided no grounds on which to base the traversal. Therefore, Examiner maintains that nine species (Group 1, Figures 1-10; Group 2, Figure 11; Group 3, Figure 12; Group 4, Figure 13; Group 5, Figure 14; Group 6, Figures 15-16; Group 7, Figure 17; Group 8, Figure 18; Group 9, Figures 19-20) are clearly disclosed in the drawings included in the original application filed. The requirement is still deemed proper and is therefore made FINAL.

Priority

3. Acknowledgement is made of applicant's claim for foreign priority based on application number 2000-314327 filed in Japan on October 13, 2000.

Information Disclosure Statement

4. The information referred to in the information disclosure statements filed on February 13, 2002 has been considered as to the merits.

Drawings

5. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "32" and "70" have both been used to designate a "pipe member". Figure 1 shows reference number 32 referring to the inner pipe member and reference number 70 referring to the outer energy-absorbing member, while Figure 2, for example, shows reference number 32 referring to the outer energy-absorbing member and reference number 70 referring to the inner pipe member. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamaguchi et al. (6,450,573) in view of Pajon et al. (6,050,635). Yamaguchi et al. reveals a vehicle seat (unlabeled) with a seat frame (2) and a seat bottom (20). Support members (3a), attached to either side of seat frame (2) at a front part of seat bottom (20), pivotally support arms (3). A cross member (4)(5) extends between free ends (unlabeled) of arms (3). A power unit (7), when actuated, causes "arm (3) attached to

the free end of the piston rod (9b) [to] turn in the clockwise direction ...and the restraint member consisting of pipe (4) [or in the instant case cross member (4)] and the panel member (5) to raise along with the corresponding part of the seat so that the submarining of the vehicle occupant can be prevented" (column 5, lines 12-18).

Yamaguchi et al. reveals all claimed elements with the exception of cross member comprising an energy absorbing structure that further comprises a relatively deformable member.

Pajon et al. teaches the use of a cross member (5) with an "energy dissipation means consist[ing] of a cellular foam cushion (11) placed on cross member (5)" (column 5, lines 41-42).

It would have been obvious to one of ordinary skill in the art at the time of the instant invention to add the energy absorbing structure (11) taught by Pajon et al. to the cross member (4)(5) revealed by Yamaguchi et al. Such an addition would ensure that the cross member (4)(5) is able to absorb "the thrust exerted by the user's pelvis" (column 5, line 45) during an impact situation. Absorption of this force will help "avoid exaggerated compression of the lumbar region" (column 5, line 52).

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited to further show the state of the art with respect to antisubmarine restraint systems in general:

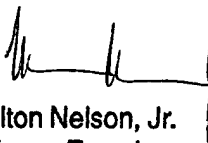
- Masuda et al. (6,386,631)
- Aufrere et al. (6,254,181)
- Kondo et al. (2001/0022460)
- Aumont et al. (6,048,034)
- Muhlberger et al. (6,460,819)

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sarah C. Burnham whose telephone number is 703-305-7315. The examiner can normally be reached on M-Th 7:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on 703-308-0827. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1020.

SCB
December 9, 2002


Milton Nelson, Jr.
Primary Examiner